

1 HOWARD L. CHURCHILL, SB# 79872

E-Mail: [churchill@lbbslaw.com](mailto:churchill@lbbslaw.com)

2 ANDJE MOROVICH, SB#251288

E-Mail: [morovich@lbbslaw.com](mailto:morovich@lbbslaw.com)

3 **LEWIS BRISBOIS BISGAARD & SMITH LLP**

One Sansome Street

4 Suite 1400

San Francisco, California 94104

5 Telephone: (415) 362-2580

Facsimile: (415) 434-0882

6 Attorneys for KEYSTONE AMERICA, INC. dba

7 JONES AND LEWIS CLEAR LAKE MEMORIAL CHAPEL

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

10  
11 THE FAMILY OF LELA KAYE HORNER:  
Harold Horner, Connie Britt, Andy Horner,  
12 Cherly Horner,

13 Plaintiffs,

14 v.

15 KEYSTONE AMERICA, INC., dba JONES  
AND LEWIS CLEAR LAKE MEMORIAL  
16 CHAPEL, and DOES 1-100,

17 Defendants.

) CASE NO. C07-03441

)  
) **STIPULATION TO ALLOW DEFENDANT**  
) **KEYSTONE AMERICA, INC. dba JONES**  
) **AND LEWIS CLEAR LAKE MEMORIAL**  
) **CHAPEL TO FILE A CROSS-**  
) **COMPLAINT**

18  
19 The parties to the above-entitled action stipulate as follows:

20 In the preceding Case Management Conference, the Court sent the parties out with the  
21 instructions to do basic discovery without prejudice to complete additional discovery at a later time  
22 with an eye for a possible early mediation. In response, Defendant, KEYSTONE AMERICA, INC.  
23 dba JONES AND LEWIS CLEAR LAKE MEMORIAL CHAPEL (herein after referred to as  
24 "KEYSTONE") has served basic written discovery on the parties and has received responses to that  
25 discovery. Additionally, the current parties have exchanged documents which the parties believe, at  
26 this point, constitute a complete exchange.

27 In addition to the foregoing, the deposition of Michael Murphy, the owner of Mullare, Murphy  
28 Funeral Home, located in Trinidad, Colorado, has been completed. Mr. Murphy's deposition


1 transcript has been forwarded to Defendant KEYSTONE'S consultant in this matter. Based upon the  
2 consultant's review of the deposition transcript, it is KEYSTONE'S consultant's view that a cause of  
3 action exists against Mullare, Murphy Funeral Home for indemnification and/or contribution as a  
4 joint tortfeasor.

5 The parties further Stipulate that a motion to serve and file a Third-Party Complaint shall be  
6 waived notwithstanding FRCP 14(a).

7 SO STIPULATED.

8 DATED: July 18, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

9  
10 By   
11 Andje Morovich  
12 Attorneys for KEYSTONE AMERICA, INC. DBA  
JONES AND LEWIS CLEAR LAKE MEMORIAL  
CHAPEL

13 DATED: July \_\_, 2008

LAW OFFICE OF BRUCE E. KRELL

14  
15 By \_\_\_\_\_  
16 Michael Cohen, Esq.  
17 Attorneys for Plaintiffs, FAMILY OF LELA KAYE  
HORNER

18  
19 GOOD CAUSE APPEARING,

20 It is hereby Ordered that the Proposed Third-Party Complaint for Indemnification, Contribution  
21 and Declaratory Relief, appended hereto as Exhibit A, shall be filed and served within the next thirty  
22 (30) days.

23 SO ORDERED.

24 DATED:

25 \_\_\_\_\_  
Honorable Wayne D. Brazil,  
26 UNITED STATE DISTRICT COURT MAGISTRATE  
27  
28

1 transcript has been forwarded to Defendant KEYSTONE'S consultant in this matter. Based upon the  
 2 consultant's review of the deposition transcript, it is KEYSTONE'S consultant's view that a cause of  
 3 action exists against Mullare, Murphy Funeral Home for indemnification and/or contribution as a  
 4 joint tortfeasor.

5 The parties further Stipulate that a motion to serve and file a Third-Party Complaint shall be  
 6 waived notwithstanding FRCP 14(a).

7 SO STIPULATED.

8 DATED: July 18, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

9  
 10 By 

Andje Morovach  
 Attorneys for KEYSTONE AMERICA, INC. DBA  
 JONES AND LEWIS CLEAR LAKE MEMORIAL  
 CHAPEL

11  
 12  
 13 DATED: July 25, 2008

LAW OFFICE OF BRUCE E. KRELL

14  
 15 By 

Michael Cohen, Esq.  
 Attorneys for Plaintiffs, FAMILY OF LELA KAYE  
 HORNER

16  
 17  
 18  
 19 GOOD CAUSE APPEARING,

20 It is hereby Ordered that the Proposed Third-Party Complaint for Indemnification, Contribution  
 21 and Declaratory Relief, appended hereto as Exhibit A, shall be filed and served within the next thirty  
 22 (30) days.

23 SO ORDERED.

24 DATED: 8-3-08

  
 Honorable Wayne D. Brazil,  
 UNITED STATE DISTRICT COURT MAGISTRATE